

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN RE:	)	
GRAND JURY CASE NO. 10-GJ-3793	)	Case No. 1:19-DM-12
	)	
	)	GRAND JURY NO. 19-3
	)	
	)	

**GOVERNMENT’S MEMORANDUM REGARDING  
CALCULATION OF 18-MONTH LIMIT ON IMPRISONMENT**

At the contempt hearing on May 16, 2019, the Court ordered that Chelsea Manning be incarcerated until she purges herself of her contempt or for the life of the grand jury, but in no event to exceed 18 months.<sup>1</sup> *See* Order 2 (May 16, 2019) (Dkt. No. 9). Manning’s counsel requested that the 62 days she previously spent in confinement under Judge Hilton’s March 8, 2019 civil-contempt order be included in calculating the 18-month limit. The Court requested that the parties submit briefing on the issue within 14 days.

The United States does not object to including the 62 days that Chelsea Manning served in confinement pursuant to Judge Hilton’s contempt order in calculating the 18-month limit. *See* 28 U.S.C. § 1826(a) (“[I]n no event shall such confinement exceed eighteen months.”); *United States v. Jones*, 880 F.2d 987, 989 (7th Cir. 1989) (interpreting § 1826(a) to “limit[] the total period of imprisonment for civil contempt to eighteen months” and holding that time spent in jail

---

<sup>1</sup> The Court also directed that Manning pay a conditional fine of \$500 per day after 30 days from the issuance of its May 16 Order and \$1000 per day after 60 days from the issuance of its May 16 Order, until she purges herself of her contempt or for the life of the grand jury. *See* Order 2. The issue addressed in this memorandum does not affect when Manning must begin paying those fines.

on first contempt order should be included in calculating 18-month limit); *In re Andrews*, 469 F. Supp. 171, 175 (E.D. Mich. 1979) (concluding, based on review of legislative history, that “in no circumstances should a witness serve more than eighteen (18) months for refusing to testify, regardless of how many grand juries are involved”).

Respectfully submitted,

G. Zachary Terwilliger  
United States Attorney

By: /s/ Tracy Doherty-McCormick  
Tracy Doherty-McCormick  
First Assistant United States Attorney

Gordon D. Kromberg  
Kellen S. Dwyer  
Thomas W. Traxler  
Assistant United States Attorneys  
United States Attorney's Office  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Telephone (703) 299-3700  
Facsimile (703) 299-3980  
Thomas.traxler@usdoj.gov

Matthew R. Walczewski  
Nicholas Hunter  
Trial Attorneys, National Security Division  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
Telephone (202) 233-0986  
Facsimile (202) 532-4251  
[Matthew.walczewski@usdoj.gov](mailto:Matthew.walczewski@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of May, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

\_\_\_\_\_/s/\_\_\_\_\_  
Thomas W. Traxler  
Assistant United States Attorney